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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,724	06/25/2003	Yoshinao Harada	60188-555	1545

7590 12/28/2005

McDermott, Will & Emery
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

ERDEM, FAZLI

ART UNIT	PAPER NUMBER
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2826

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,724

Applicant(s)

HARADA, YOSHINAO

Examiner

Fazli Erdem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 32-34 and 36-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37-45 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 32, 33 and 36 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/08/2005.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 12/15/2005.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 37-45
2. Claims 3-5 and 34 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 6, 32, 33 and 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuo et al. (6,737,716) in view of Wallace et al. (6,291,867) further in view of Yoshii et al. (6,740,928)

Regarding Claims 1, 2, 6, 32, 33 and 36, Matsuo et al. disclose a semiconductor device and method of manufacturing the same with formation of multilayer gate insulating film containing metal where in Fig. 9, layer 82 is a TiSiON layer. Matsuo et al. fail to disclose the required high dielectric constant film containing metal, silicon and oxygen, the required position for the film on top of this metal/silicon/oxygen/nitrogen insulating film and the required amorphous barrier film with relationship to gate dielectric film. However, Wallace et al. discloses zirconium and/or hafnium silicon-

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oxynitride gate dielectric where in Figs. 1-19, to topmost layers i.e. 36, 38, 40, 42 are Hafnium/Zirconium silicon-oxynitride layers and therefore contain metal, silicon and oxygen. Furthermore, in column 5, lines 50-56, the required configuration for the barrier and the high dielectric layer is disclosed. Finally, Yoshii et al. disclose a semiconductor device where in Fig. 16, amorphous barrier layers 2012/2016 are below gate insulating film 2016

It would have been obvious to one of having ordinary skill in the art at the time the invention was made to include the required high dielectric film, the required positioning of the film and the required amorphous barrier film in the required relationship to the gate insulating film in Matsuo et al. as taught by Wallace et al. and Yoshii et al. respectively, in order to have a gate insulating layer of higher reliability.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fazli Erdem whose telephone number is (571) 272-1914. The examiner can normally be reached on M - F 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FE

December 26, 2005



NATHAN J. FELTON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800